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8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 LAWRENCE BRUMER

12 Plaintiff,

13 v.

14 PRINCESS CRUISE LINES, LTD.

15 Defendant.
16
17

CASE NO. 23-cv-3064

**COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY TRIAL**

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19 Plaintiff, LAWRENCE BRUMER, alleges as follows:

20 1. This suit herein arises and is within the original jurisdiction of the United States
21 District Court pursuant to 28 U.S.C. § 1333(1) under the Court's admiralty and maritime jurisdiction.

22 2. Plaintiff is, and at all times herein mentioned was, a citizen and resident of the County
23 of Los Angeles, State of California.

24 3. At all times herein mentioned, Defendant, PRINCESS CRUISE LINES, LTD
25 (hereinafter referred to as "PRINCESS") is, and was, a citizen and corporation and has their principal
26 place of business in the State of California, and was transacting business within the County of Los
27 Angeles, State of the State of California.

28 4. At all times herein mentioned Defendant, PRINCESS, unilaterally inserted in its

1 cruise line ticket a forum selection clause that requires its passengers asserting personal injuries to
2 litigate those claims in the United States District Court for the Central District of California, and if
3 no there is no basis for federal jurisdiction, in the Courts of the Superior Court of the County of Los
4 Angeles. In this case, both Plaintiff and Defendants are citizens of the State of California and there
5 is no diversity of citizenship in order to bring this action in Federal Court.

6 5. Defendant PRINCESS, by and through its attorney, have agreed and stipulated that
7 Plaintiff may file this action in the District Court of the State of California, Southern District,
8 through and including May 15, 2023 and that PRINCESS will not assert that the District Court action
9 was filed more than 1 year from the date of the incident. In exchange, Plaintiff will file a request for
10 dismissal of the timely filed Superior Court lawsuit that was filed against PRINCESS in the Superior
11 Court of the State of California, County of Los Angeles, on March 21, 2023, Case Number
12 23CHCV00816. Attached as Exhibit "A" is a letter signed by Dana Berger, Director of Claims
13 Management for Princess confirming that the time to file suit against Princess in this matter has been
14 extended to May 15, 2023.

15 6. Defendant, PRINCESS, at all times herein mentioned, either itself or through its
16 designated agents:

- 17 a. Operated, conducted engaged in or carried on a business venture in the State
18 of California and specifically the County of Los Angeles and had an office
19 within the County of Los Angeles, State of California.
- 20 b. Was engaged in substantial activity within the County of Los Angeles, State
21 of California.
- 22 c. Operated vessels in the waters of the State of California.
- 23 d. Purposefully availed themselves of the benefits of conducting activities in
24 California by purposefully directing their activities toward the State, thereby
25 obtaining the benefits and protections of the State's laws.
- 26 e. The cruise line ticket for Plaintiff requires that suit be brought in this Court
27 against the named Defendant in this action.

28 7. At all times mentioned herein, Defendant, PRINCESS, was, and is, a for profit

1 corporation with its worldwide headquarters, principal address and principal place of business
2 located within the County of Los Angeles, State of California.

3 8. At all times mentioned herein, Defendant, PRINCESS, was and is a common carrier
4 engaged in the business of marketing, selling and operating a cruise line out of various ports
5 throughout the world, including Los Angeles, Mexico, Florida and the Caribbean.

6 9. At all times herein mentioned, Defendant, derived its revenue from cruises
7 originating and terminating in various ports throughout the world including Los Angeles and the
8 Mexican Riviera.

9 10. At all times herein mentioned, Defendant, PRINCESS, operated, managed,
10 maintained, supervised, chartered and/or controlled a large commercial vessel named *Majestic*
11 *Princess*.

12 11. At all times herein mentioned, Defendant, PRINCESS, transported fare paying
13 passengers aboard its vessel, *Majestic Princess*.

14 12. At all times herein mentioned, Plaintiff LAWRENCE BRUMER was a fare paying
15 passenger and lawfully aboard the vessel *Majestic Princess*. Plaintiff had boarded the *Majestic*
16 *Princess* in Los Angeles, California for a 7 day cruise to the Mexican Riviera that left on April 2,
17 2022.

18 13. On or about April 2, 2022, Plaintiff LAWRENCE BRUMER, embarked from
19 Florida for cruise to the Mexican Riviera aboard the *Majestic Princess*, a cruise ship registered in
20 Bermuda, and owned, operated, maintained, repaired and otherwise controlled by Defendants,
21 PRINCESS. The *Majestic Princess* is a 143,700 ton cruise ship with a capacity for 3,560 passengers
22 that was designed, manufactured, built and delivered to PRINCESS, in 2017 and has been used for
23 cruises between various ports worldwide, including from Los Angeles to the Mexican Riviera.
24 Plaintiff was booked for a 7 night cruise (Voyage 8214) from Los Angeles to the Mexican Riviera
25 to the Eastern Caribbean and was assigned Cabin B727.

26 14. On or about April 7, 2022, at or near 12:00 pm, while aboard the *Majestic Princess*,
27 Plaintiff LAWRENCE BRUMER was on Deck 11, near Cabin B727, when he tripped and fell on
28 a portion of the housekeeping cart that was left abandoned in the hallway and impeding access to

1 passengers intending to use the hallway. Specifically, outside Cabin B727, there are handrails on one
2 side of the hallway. There are no handrails on the other side. Due to the size of the cart and the width
3 of the hallway, the housekeeping carts should not to be placed on the side of the hallway with the
4 handrails, and instead should to be placed on the side of the hallway without the handrails. The
5 reason is that when the housekeeping cart is placed on the side of hallway with the handrails
6 protruding from the wall, there is not sufficient room or access for passengers to walk in the hallway
7 without the reasonable likelihood of a trip and fall incident with a portion of the protruding
8 housekeeping cart. The housekeeping cart was not in use at the time of this incident and had been
9 abandoned in the hallway against the side of hallway with the handrail in such a manner as to create
10 a dangerous condition due to a foreseeable risk of harm to passengers walking the hallway, including
11 Plaintiff. While traversing the hallway, at the above described location, Plaintiff tripped and fell as
12 a result of the hereinabove described dangerous condition.

13 15. Plaintiff is informed and believes that while Plaintiff was lawfully and rightfully on
14 the *Majestic Princess*, Defendant negligently and carelessly owned, managed, possessed, inspected,
15 maintained, operated, designed, planned, developed and otherwise controlled the *Majestic Princess*
16 so as to create a foreseeable risk of harm for persons invited onto the *Majestic Princess*, including
17 Plaintiff, by placing or abandoning the housekeeping cart on the side of the hallway with handrails
18 as opposed to the other side that did not have handrails, thereby limiting passenger access and
19 increasing the foreseeable likelihood that passengers would encounter a portion of the housekeeping
20 cart and trip or fall for passengers such as Plaintiff, as hereinabove alleged and creating a foreseeable
21 risk of harm.

22 16. That foreseeable risk of harm created by the negligence and carelessness of
23 Defendants, as hereinabove alleged, was known, or in the exercise of ordinary and/or reasonable
24 care, should have been known to Defendant in an adequate and sufficient time for a reasonably
25 prudent person under the same or similar circumstances as Defendant to warn persons, including
26 Plaintiff, of the hereinabove alleged foreseeable risk of harm, or to take measures to prevent such
27 foreseeable risk of harm.

28 17. Plaintiff is informed and believes, and based thereupon alleges:

- a. Defendant had duty of care to provide Plaintiff with reasonable care under the circumstances;
- b. On or about April 7, 2022, Plaintiff was injured due to the fault and/or negligence of Defendant and/or its agents, servants or employees in creating a foreseeable risk of harm as hereinabove alleged;
- c. Defendant knew or should have known of the dangerous condition that created a foreseeable risk of harm, but did not prevent its employees from parking or abandoning housekeeping carts on the side of the hallway with handrails, as opposed to the opposite side which would have allowed for greater passenger access in the hallway and substantially lessened the likelihood of a trip and fall incident.
- d. Defendant failed to comply with industry standards with regard to the policy of leaving or abandoning carts in the passenger hallways as described above so as to create a dangerous condition;
- e. Defendant failed to provide adequate training, instruction and or supervision of its crew and/or staff members in terms parking or abandonment of housekeeping carts in the passenger hallways as described above so as to create a dangerous condition;
- g. Defendant failed to provide a reasonable safe condition for Plaintiff during her voyage aboard the *Majestic Princess*.

18. Plaintiff is informed and believes, and based thereupon alleges, that all of the foregoing alleged acts of omissions were negligent and careless and directly and proximately caused Plaintiff to trip and fall, as herein alleged, thereby suffering severe and debilitating injuries and damages, as hereinafter alleged.

19. As a direct and proximate result of the negligence and carelessness of Defendant, PRINCESS, as hereinabove alleged, Plaintiff, LAWRENCE BRUMER was hurt and injured in his health, strength and activity, in all parts of his body, and sustained shock and injury to his nervous system and person, all of which injuries have caused and continue to cause Plaintiff great mental,

1 physical and nervous anxiety, and pain and suffering. Plaintiff, LAWRENCE BRUMER is informed
2 and believes, and based thereupon alleges, that such injuries will result in some permanent disability
3 to plaintiff, all to his general damage, in an amount to be proven at time of trial. Plaintiff is informed
4 and believes, and based thereupon alleges, that the amount in controversy herein is in excess of
5 Seventy-Five Thousand Dollars (\$75,000.00) and within the jurisdiction of this Court.

6 20. As a further direct and proximate result of the negligence and carelessness of
7 Defendant, PRINCESS, as hereinabove alleged, plaintiff, LAWRENCE BRUMER was required to,
8 and did, employ physicians, surgeons and therapists to treat and care for him and did sustain an
9 expense for such medical treatment and care, hospitalization, medicines, and for other and further
10 medical and incidental care, for which plaintiff has incurred liability in an amount as yet
11 unascertained. Plaintiff, LAWRENCE BRUMER prays leave of Court to amend and/or supplement
12 this Complaint to insert the actual and reasonable value of all medical and incidental expenses when
13 same have been ascertained, or to prove same at time of trial.

14 21. Plaintiff, LAWRENCE BRUMER is informed and believes, and based thereupon
15 alleges, that as a further direct and proximate result of the negligence and carelessness of Defendant,
16 PRINCESS, he will necessarily require additional medical care, hospitalization, medicines, and other
17 and further medical attention in the future and will incur liability therefrom. Plaintiff, LAWRENCE
18 BRUMER prays leave of Court to amend and/or supplement this Complaint to insert the actual and
19 reasonable value of all such additional medical and incidental expenses when same have been
20 ascertained, or to prove same at time of trial.

21 22. As a further direct and proximate result of the negligence and carelessness of
22 Defendant, PRINCESS, as hereinabove alleged, Plaintiff, LAWRENCE BRUMER became
23 incapacitated and prevented from following his usual occupation for an undetermined period of time;
24 and as a result thereof, plaintiff suffered a loss of earnings and earning capacity and ability and other
25 financial losses in an undetermined amount. Plaintiff, LAWRENCE BRUMER prays leave of Court
26 to amend and/or supplement this Complaint to include the exact amount of said loss of earnings and
27 earning capacity and ability when ascertained, or to prove same at time of trial.

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1 WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as follows:

2 1. For general damages in an amount within the jurisdiction of this Court and in excess
3 of \$75,000.00, and in an amount to be proven at time of trial;

4 2. For medical and related expenses, past, present and future, all in an amount to be
5 proven at time of trial;

6 3. For loss of earnings and earning capacity and ability, past, present, future, and other
7 financial losses, all in an amount to be proven at time of trial;

8 4. For costs of suit incurred herein; and

9 5. For such other and further relief as this Court may deem just and proper.

10 DATED: April 23, 2023

LAW OFFICES OF FRIEDBERG & BUNGE

11

12 BY: s/ THOMAS F. FRIEDBERG, ESQ.
13 THOMAS F. FRIEDBERG, ESQ.
14 Attorneys for Plaintiff

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DEMAND FOR JURY

16 Plaintiff hereby demands a jury trial pursuant to Rule 38, of the Federal Rules of Practice.

17 Dated : April 23, 2023

LAW OFFICES OF FRIEDBERG & BUNGE

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19 BY: s/ THOMAS F. FRIEDBERG, ESQ.
20 THOMAS F. FRIEDBERG, ESQ.
21 Attorneys for Plaintiff

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